IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

CRP.No. 545 of 2004

(AGAINST THE ORDER DATED 04/04/2003 IN OP (EA) NO. 91/2002 ON THE FILE OF THE COURT OF ADDITIONAL DISTRICT JUGE, ALAPPUZHA)

REVN. PETITIONER: 1ST RESPONDENT

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA, KAYAMKULAM,
REPRESENTED BY ITS MANAGER

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS: PETITIONER

P.NARAYANAN NAIR, KAROOR VADAKKIATHIL,
KARUIMULACKAL MURI, CHUNAKKARA VILLAGE.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/12/2007 ALONG WITH C.R.P NO. 1482/2004, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

==========

C.R.P. Nos.545 & 1482 OF 2004

==========

Dated this the 18th day of December 2007

O R D E R

C.R.P.No.1482 of 2004 is preferred against the order in OP(EA) No.188 of 2002 of the Addl.District Court, Alappuzha whereby the Addl.District Judge has awarded an additional compensation of Rs.2,744/- with 6% interest.

2. C.R.P.No.545 of 2004 is preferred against the order of the Addl.Disttrict Court, Alappuzha in O.P.(EA)No.91 of 2002, whereby the Addl.District Judge has awarded a compensation of Rs.27,000/- with 7.5% interest.

3. As far as O.P.(EA)No.188 of 2002 is concerned, the court granted an additional compensation for the trees cut and removed at Rs.944/- and the diminution of land value at Rs.1,800/-. It can be seen from the award itself that the court has fixed the market value of the property depending upon Ext.A4 award in land acquisition proceedings. Thereafter it reduced the land value to Rs.6,000/- per cent considered that only one cent is lost and awarded 30% diminution of the land value and awarded Rs.1,800/-. So

far as the tree factor is concerned, there also an extremely strict view is taken and only Rs.944/- is allowed. Therefore, C.R.P.No.1482 of 2004 lacks merit and it is dismissed.

4. In O.P.(EA)No.91 of 2002 is concerned, the court found that the land affected by the drawing of the electric line is about 20 cents. It also found that 20 cents of property has become useless and unfit for cultivation and that cannot be used for building construction. Therefore, the court took diminution of the land value at 30% and awarded a compensation of Rs.27,000/-. The court did not grant any amount for the trees cut and removed.

Therefore, I do not find any merit in this revision petition. Hence C.R.P.No.545/2004 is also dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-